

APR 24 2019

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BEFORE THE  
STATE OF FLORIDA  
COMMISSION ON ETHICS

In re: Andrew Gillum,  
Respondent.

DOAH Case No.: 19-0656EC  
Complaint No.: 17-146

**JOINT STIPULATION OF FACT, LAW, AND RECOMMENDED ORDER**

Respondent, Andrew Gillum, and the Advocate for the Florida Commission on Ethics enter into this Joint Stipulation of Fact, Law, and Recommended Order with respect to the above-styled Complaint. Subject to acceptance by the Commission on Ethics, the parties agree that they enter into this stipulated settlement in lieu of further hearings in this cause. The parties stipulate as follows:

**STIPULATED FINDINGS OF FACT**

1. Respondent served as Mayor of the City of Tallahassee and, therefore, is subject to the provisions of the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes.
2. On October 10, 2017, a sworn Complaint was filed with the Commission on Ethics alleging that Respondent violated the Code of Ethics.
3. Pursuant to Section 112.322, Florida Statutes, the Executive Director of the Commission on Ethics found that the Complaint was legally sufficient and on October 18, 2017, ordered a preliminary investigation of the Complaint for a probable cause determination of whether Respondent had violated the Code of Ethics. The Report of Investigation was released on December 7, 2018.
4. On January 30, 2019, the Commission on Ethics found probable cause to believe Respondent had violated Section 112.313(2), Florida Statutes, by accepting a "thing of value" in

regard to trips to Costa Rica and New York City based upon an understanding that his official action or judgment would be influenced; Section 112.313(4), Florida Statutes, by accepting "things of value" regarding trips to Costa Rica and New York City when he knew or should have known that they were given to influence action in which he was expected to participate in his official capacity; Section 112.313(6), Florida Statutes, by accepting gifts in his official capacity regarding trips to Costa Rica and New York City for himself and others in return for access and influence; Section 112.3148(4), Florida Statutes, by receiving gift(s) from a lobbyist of the City of Tallahassee and principals of a lobbyist when Respondent reasonably believed that the gifts had a value in excess of \$100; and Section 112.3148(8), Florida Statutes, by failing to file a timely CE Form 9, "Quarterly Gift Disclosure," for gifts received related to trips to Costa Rica and New York City.

5. Respondent admits the facts as set forth in the Report of Investigation concerning Section 112.3148(4), as incorporated by reference in this Joint Stipulation.

6. The parties recommend dismissal of all other allegations as the evidence does not warrant moving forward on the respective statutes.

#### **STIPULATED CONCLUSIONS OF LAW**

7. Respondent is subject to the provisions of Part III, Chapter 112, Florida Statutes, the Code of Ethics for Public Officers and Employees.

8. The Commission on Ethics has jurisdiction over the Complaint as filed in this proceeding and over Respondent.

9. Respondent violated Section 112.3148(4), Florida Statutes, by receiving gift(s) from a lobbyist of the City of Tallahassee and principals of a lobbyist when Respondent reasonably believed that the gifts had a value in excess of \$100.

10. Respondent enters into this Stipulation with the understanding of the seriousness of the allegations and gives his assurance that this proceeding has affected the manner in which he conducts himself as a public official in a positive way.

#### **STIPULATED RECOMMENDED ORDER**

11. The Advocate accepts Respondent's admission in this proceeding.

12. The Advocate and Respondent have entered into this Joint Stipulation and urge the Commission on Ethics to approve it in lieu of further hearings in this cause.

13. Therefore, the parties request and the Advocate recommends that:

(a) The Commission on Ethics approve this Joint Stipulation, embodying the stipulations, admissions, and recommendations of the parties;

(b) The Commission on Ethics enter a Final Order and Public Report dismissing allegations that Respondent violated Sections 112.313(2), 112.313(4), 112.313(6), and 112.3148(8), Florida Statutes.

(c) The Commission on Ethics enter a Final Order and Public Report finding that Respondent violated Section 112.3148(4), Florida Statutes, and recommending a civil penalty of \$5,000.

#### **FURTHER STIPULATIONS**

14. Respondent and the Advocate stipulate and covenant that they have freely and voluntarily entered into this Joint Stipulation of Fact, Law, and Recommended Order with full knowledge and understanding of its contents. Respondent and the Advocate further stipulate and covenant that this Joint Stipulation constitutes the full agreement of the parties and that there are no oral or written understandings between the parties other than those contained in this Stipulation of Fact, Law, and Recommended Order.

15. Respondent and the Advocate stipulate and covenant that, in consideration of the provisions of this Joint Stipulation of Fact, Law, and Recommended Order, they accept and will comply with the above-referenced Final Order and Public Report of the Commission on Ethics.

16. Respondent and the Advocate stipulate that this Joint Stipulation of Fact, Law, and Recommended Order is submitted to the Commission on Ethics for its consideration and ratification. In the event that it is not approved by the Commission on Ethics as written, this document shall be of no purpose and effect and shall not be deemed an admission by Respondent.

17. Effective upon approval of this Joint Stipulation of Fact, Law, and Recommended Order by the Commission on Ethics, the parties waive all time, notice, hearing rights, requirements, and entitlements, as to all subsequent hearings in this proceeding.

Signed, dated and entered into:

this 24th day of April, 2019.

Elizabeth A. Miller  
Elizabeth A. Miller  
Advocate for the Florida  
Commission on Ethics  
Florida Bar No.: 578411  
Office of the Attorney General  
The Capitol, PL-01  
Tallahassee, Florida 32399-1050  
(850) 414-3300

Signed, dated and entered into:

this 24th day of April, 2019.

Barry Richard  
Barry Richard, Esquire  
Florida Bar No.: 0105599  
Greenberg Traurig, P.A.  
101 East College Ave.  
Tallahassee, Florida 32301  
(850) 222-6891

Andrew Gillum  
Andrew Gillum  
Respondent